

TEXANS PROPERTY RIGHTS

May 1, 2017

Dear Members of the Texas Legislature:

The Texans for Property Rights coalition was created on behalf of Texas landowners to advance the common-sense reform of eminent domain laws. As you are all aware, the need to address eminent domain arises out of the widespread dissatisfaction and consistent opposition to the current process. Texas landowners may disagree over other issues, but all agree eminent domain has exceeded any reasonable definition of balance. The public message is clear and has been growing louder over the last several sessions. In advance of this Session, the coalition sought direct feedback from thousands of landowners. Their message is consistent and clear: Landowners are not adequately compensated for their property, and the process by which their property is taken is neither just nor transparent. The continued taking of private property through the use of outdated statutory procedures has left landowners determined to see a change.

Since February of this year, the Texans for Property Rights coalition has met and discussed all parts of the legislation with those who oppose eminent domain reform, many, but not all, of whom are the sources of the problem. Like any major legislative effort, meaningful discussions often result in productive changes to the proposed legislation. Our members expected, and often welcomed these changes. Texans for Property Rights did not seek reforms that would unduly impair the growth of infrastructure in Texas. The meetings both inside and outside of the Capitol resulted in some modifications that would still serve the landowners of Texas.

To demonstrate our commitment to good faith negotiation and consensus, our coalition faced a very difficult choice. The filed legislation provided Texas landowners, for the first time, the right to a reimbursement of landowner's costs, including attorney's fees and expenses, if the entity taking their property was proven to have offered compensation significantly below fair market value. This is a key problem in all parts of Texas and this legislation would have placed Texas in line with many other energy producing states. Regrettably for Texas landowners, elements within the infrastructure coalition sought to portray our organization and its landowners as encouraging trial lawyers and runaway jury verdicts, known pitfalls in the Texas Legislature.

There was no basis in this assertion, just a well-contrived message to deprive Texas landowners of a right afforded to landowners in other states. Our coalition was assured that the attorney fee provision was the source of opposition to the legislation. To address this, our coalition opened the discussion to an alternative as long as the key landowner protections in the remaining portions of the bills were preserved. That significant and difficult concession unfortunately did not end negotiations. Opponents to the bill then levied opposition to almost every other aspect of the landowner protections.

The opponents of eminent domain reform continue to present new points of objection and changes to the legislation that significantly weaken, if not all together negate, its benefit. This is a clear attempt to avoid agreement and prevent the advancement of legislation, or to create enough loopholes in the legislation to prevent the meaningful eminent domain reform that Texas landowners deserve. Ironically, the all or nothing approach to this legislation is the very same approach that many of these companies continue to employ against landowners as they are forced to confront the threat of eminent domain.

At many times throughout the process, opponents to eminent domain reform have represented to the legislature that they have been working with landowners when, in reality, they are simply slow-playing the process. Every concession made by landowners has been met with demands from opponents for even greater concessions.


Our coalition, and most importantly Texas landowners, rely on the leadership and support of the legislature. Leadership, however, often means making a tough choice to do what is right. It appears that the legislature is unwilling to make that choice and take a stand for landowners this session in the absence of language agreed to by Texas landowners' very opponents. This has ultimately tied the hands of our coalition in the negotiation process. Due to the lack of willingness to make a tough legislative decision, Texas' landowners have once again been pushed aside.


The latest versions of the legislation in both the House and Senate would be at best a hollow victory, offering little in the way of actual improvement for Texas landowners. At worst, it may threaten the few protections currently afforded to landowners. Therefore, our coalition must oppose SB 740 and HB 2684, as they no longer fulfill the commitment we made to our landowner members.

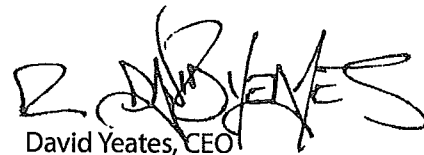
Our coalition takes extraordinary pride in working to ensure Texas' tradition of private property rights are continued. A tradition that many, if not all, of our elected officials celebrate and tout during their campaigns for election. Texas landowners need and deserve a better process when faced with having their land taken by public and private entities acting on behalf of the State of Texas. Without the support of the Texas Legislature, this cannot happen.

Today we are sharing this letter with our 25 coalition partners and the hundreds of thousands of Texas landowners in every county that supported this effort and the legislation as filed. Our coalition remains strong and we look forward to continued work on this vitally important issue in the future.

Sincerely,


Richard Thorpe, President
Texas and Southwestern
Cattle Raisers Association


Russell Boening, President
Texas Farm Bureau


David Yeates, CEO
Texas Wildlife Association

TEXANS PROPERTY RIGHTS

Texas and Southwestern Cattle Raisers Association · Texas Farm Bureau · Texas Wildlife Association · Texas Association of Realtors
Corn Producers Association of Texas · Farm and Ranch Freedom Alliance · Riverside and Landowners Protection Coalition
South Texas' Property Rights Association · Texas Association of Dairymen · Texas Forestry Association
Texas Grain Sorghum Association · Texas Hill Country Heritage Association · Texas Land and Mineral Owners Association
Texas Sheep and Goat Raisers Association · Texas Wheat Producers Association